
Board of Health Minutes 11/12/2015

Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of November 12, 2015

Board Members Present:

Burton Kaplan, Chairman
Kalliope Egloff, Co-Chair
Lucy Burton, Clerk

Also Present:

Glen Harrington, Health Agent

Chairman Burton Kaplan called the meeting to order at 7:00 PM.

APPOINTMENTS**7:15 PM – Local BOH and Title V Variance Request – 132 Quinaquisset Avenue.**

Warren Brodie, Attorney for Habitat for Humanity of Cape Cod Inc., representing 132 Quinaquisset Avenue, introduced himself to the Board.

Attorney Brodie stated that during the design of the property, a potable well was discovered on the neighboring property located at 128 Quinaquisset Avenue. The 150 feet to the well cannot be maintained; therefore, 128 Quinaquisset Avenue is required to be connected to Mashpee Town water. Attorney Brodie is requesting variances to the setback regulations.

Title V Variances requested - 310 CMR 15.211 (Setbacks):

- A 2' variance, Soil Absorption System, to an existing potable well, for a 98' setback.
- A 38' variance, Reserve Area, to an existing potable well, for a 62' setback.

Mashpee Board of Health Regulation Variances Requested - Part IX Section 9.00:

- A 52' variance, Soil Absorption System, to an existing potable well, for a 98' setback.
- An 88' variance, Reserve Area, to an existing potable well, for a 62' setback.

Kalliope Egloff made a motion that the Board of Health approve the variances requested for 132 Quinaquisset Avenue with the condition that the owner and Habitat for Humanity be binding and that no occupancy permit be issued until 128 Quinaquisset Avenue is connected to town water and the well abandoned. Lucy Burton seconded the motion. The motion was unanimously approved.

7:20 PM – Arlene Wilson – Title V Variance Request – 37 Uncle Henry's Road.

Arlene Wilson of A.M. Wilson Associates, representing Edward Gargiulo of 37 Uncle Henry's Road, introduced herself to the Board.

Ms. Wilson commented that the dwelling was constructed in 1946. Mr. Gargiulo assumed responsibility of the property in the 1970's and constructed an addition which resulted in a total of 5 bedrooms in the home. At that time the property was serviced by a cesspool. The septic system was upgraded in 1997 for a capacity of 3 bedrooms instead of 5. The proposed plan is to upgrade the septic system to provide sufficient capacity to service the existing 5 bedrooms. Less than 5 feet to the westerly property line is indicated on the plan. It was corrected to 5 feet so that a surveyors stamp would not be required.

Ms. Wilson requested the following variances:

- A 5' variance, Soil Absorption System to the foundation, for a 15' setback.
- A 5' variance, Soil Absorption System to the property line, for a 5' setback.
- A 3' variance, pump chamber to the foundation, for a 7' setback.
- A 6' variance, pump chamber to the property line, for a 4' setback.

Glen Harrington stated that he spoke with two of the neighbors of 37 Uncle Henry's Road. The neighbor to the side of where the pump chamber is proposed had concerns that the bottom of the pump chamber is located 9 feet down and only 5 feet from their property line. Mr. Harrington recommends construction shoring by the contractor to minimize or eliminate any damage to their property. The abutter directly behind was concerned about the line of arborvitae that provide privacy between the two properties. Mr. Harrington advises that the designer supervise the installation of the septic system.

Lucy Burton made a motion that the Board of Health approve the variances as outlined with the conditions to require shoring at the time of installation and to require the designer to be present at the installation to supervise the location and elevation of the septic components. Kalliope Egloff seconded the motion. The motion was unanimously approved.

7:25 PM – Matt Costa, Cape – Nitrogen Aggregation Loading Plan – 6 Seneca Avenue.

Matt Costa, Cape & Islands Engineering, stated that the application for 6 Seneca Avenue was withdrawn.

7:30 PM – Matt Costa – Nitrogen Aggregation Loading Plan – 183 Waterway.

Matt Costa, Cape & Islands Engineering, representing 183 Waterway, introduced himself to the Board.

Mr. Costa stated that he is requesting approval for the nitrogen aggregation plan for 183 Waterway. The facility aggregation plan is proposed to include square footage from the credit land, which is part of the Childs River East Subdivision open space, in the calculations to meet the three bedroom loading limitation under Title V. Nitrogen restriction and easement documents for the credit land and for the facility land were submitted. Therefore, the facility land at 183 Waterway will be restricted to three bedrooms.

Lucy Burton made a motion that the Board of Health approve the nitrogen aggregation plan for 183 Waterway with the conditions that 183 Waterway is limited to three bedrooms, the septic design plan shall be submitted at a later date for the septic installation, no septic installation permit shall be issued until the Grant of Title V Nitrogen Loading Restriction and Easements are recorded and provided to the Board of Health office. Kalliope Egloff seconded the motion. The motion was unanimously approved.

NEW BUSINESS

- **Sign Expense Warrants.** The Board members signed the expense warrants.
- **Review/Approve BOH Public Session Minutes: October 15, 2015.**

Lucy Burton made a motion that the Board of Health approve the Public Session minutes of October 15, 2015, as amended. Kalliope Egloff seconded the motion. The motion was unanimously approved.

- **Review November 4, 2015, Bids and Minutes with recommendations: P-103 Deer Crossing.**

Glen Harrington stated that the bid opening took place on November 4, 2015, at 2:00 PM for P-103 Deer Crossing.

Veronica Warden, Assistant Health Agent, and Thomas Mayo, Assistant Town Manager, performed the bid opening. Five formal bids were submitted and opened.

The Board is now tasked with the following: To review the bids, identify any discrepancies, incomplete submissions, or anything that may be used to disallow or reject the bid. The Board must approve/recommend one bidder so the Chief Procurement officer/Town Manager can approve/award one contractor. The Town Manager will also consult with Town Counsel prior to awarding the bid. Approval by the Finance Committee will then be required in order to obtain the necessary funds to award the bid.

A summary of the bids has been prepared to facilitate review and comment by the Board.

Mr. Harrington's comments are as follows:

Plan B Construction – Complete submittal. One comment: the bid security was supplied as 5% of the total bid, which is not in accordance with the bid. It does not hurt them because the actual bid security can be provided up to 10 days after the bid award.

Cape Cod Cleanups – Failed to provide contractors liability.

Emergency Contractors – Failed to provide contractors liability.

Cape Cod Builders – Complete submittal. Two comments: Did not list the Town of Mashpee as Holder on the Contractors Liability certificate. Provided 5% of bid rather than a performance bond (same comment as Plan B Construction).

Fox Painting Company – Failed to provide contractors liability. Two comments: 5% of bid provided as security. That does not meet the bid requirements, but they can meet it at a later date due to 10 day award period. Their qualifications and projects were weak in regard to being similar in nature to this job. Even though this was the lowest bid, Mr. Harrington feels hesitant about awarding the project to this company.

A complete bid package must be submitted in order to be considered for the award. Plan B Construction and Cape Cod Builders submitted a complete bid with a monetary difference of about \$675. Plan B Construction is based in Barrington, Rhode Island, and holds liability insurance in Rhode Island. Cape Cod Builders is established in Bourne.

Kalliope Egloff suggested calling for references to select the most qualified lowest bidder, and also, to inquire whether or not the Certificate of Liability insurance needs to be issued from Massachusetts.

Lucy Burton made a motion that the Board of Health appoint the Health Agent to use due diligence to search the internet for Cape Cod Builders and Plan B Construction and call the references. Check if Plan B Construction needs to have Massachusetts Contractors Liability versus Rhode Island. Based upon the applications that Cape Cod Builders be the primary award, and if they are discounted at some point have Plan B Construction as the backup. Kalliope Egloff seconded the motion. The motion was unanimously approved.

- **Failed Septic System – Non-Compliance: 46 Pond Circle.**

Glen Harrington commented that the owners of 46 Pond Circle are in violation because they failed to upgrade their failed septic system within the two years of the Title V Inspection. The owners are in tax title, and there is a financial hardship. Since it has been four years, the Board would like the owners to appear before the Board of Health at the next meeting scheduled on December 3, 2015, to discuss the situation.

OLD BUSINESS

- **Housing Compliance Update: 394 Cotuit Road.**

Glen Harrington remarked that Erika Woods of the Cape Cod Hoarding Task Force informed him that Vickie McFarland-Richter of 394 Cotuit Road is making progress with the cleanup of her bedroom. Piles are organized and brought to donation sites. Some of the donation items are in the kitchen eating area waiting to be delivered and causing some clutter. Mr. Harrington offered the services of the Board of Health with the delivery of any items to

alleviate the clutter in the home. Veronica Warden will contact Erika Woods and schedule the regular monthly inspection for 394 Cotuit Road.

- **Update on Failed Septic System: 87 Lighthouse Lane.**

Glen Harrington commented that the engineering for 87 Lighthouse Lane has commenced. Plans are expected to be completed within the next couple of weeks.

- **Signature required: Mobile Food Regulation.**

Burton Kaplan signed the Mobile Food Regulation.

- **Condemnation Update: 71 Lakeside Estates.**

Glen Harrington stated that he and Veronica Warden inspected the unit at 71 Lakeside Estates from the outside and observed that the walls and ceiling have been painted, and everything has been removed. There is a bit of an odor, but the floor has not been sealed. Mr. Harrington feels that once the floor is sealed the odor will diminish. The unit itself appears structurally sound.

ADDITIONAL TOPICS

None.

DISCUSSION

- **Meeting Update – Mashpee Cares Committee Meeting: Glen Harrington.**

Lucy Burton commented that on November 2, 2015, the Board of Selectmen officially appointed Glen Harrington as the Board of Health representative for the Mashpee Cares Committee.

- **Meeting Update – Waste Management Committee Meeting: Kalliope Egloff.**

Kalliope Egloff remarked that the next meeting of the Waste Management Committee is scheduled for Wednesday, November 18, 2015, and perhaps an additional meeting will be held in December. Ms. Egloff commented that she spoke to a group of retired federal employees at the Bourne Council on Aging. Ms. Egloff answered questions concerning recycling, composting, and hazardous waste.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, December 3, 2015, at 7:00 PM. As there was no further business, Kalliope Egloff made a motion to adjourn the Public Session Meeting of the Board of Health at 9:15 PM. Lucy Burton seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments